

Appl. No. 10/054,544

Amdt. dated July 22, 2005

Reply to Final Office Action of May 10, 2005

AFTER FINAL EXPEDITED PROCEDURE

Claims 1 to 33 were pending in the application at the time of examination. Claims 1 to 33 stand rejected as anticipated.

Claims 1 to 33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,721,727, hereinafter referred to as Chau. Applicants respectfully traverse the anticipation rejection of Claim 1 in view of Chau.

Again, Applicants respectfully point out that for Chau to anticipate Claim 1, the MPEP directs:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

.... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP §2131, 8th Ed., Rev. 2, p 2100-73 (May 2004).

Applicants will demonstrate that the rejection failed to establish that Chau shows "The identical invention . . . in as complete detail as is contained in the ... claim." In addition, Applicants will demonstrate that both the teachings in Chau and explicit claim limitations have been reduced to a gist, which is an improper form of analysis for an obviousness rejection and so cannot possibly be appropriate for an anticipation rejection, which has the more stringent requirement quoted above.

Claim 1 recited in part:

storing an element record for every element of said plurality of elements in an element table . . . ; and
storing an attribute record for every attribute of said plurality of attributes in an attribute table
(Emphasis Added)

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Claim 1 explicitly defines two tables, an attribute table and an element table. Further, Claim 1 recited what is stored in each table, for example, "an element record for every element of said plurality of elements."

The rejection stated:

Chau teaches the claimed step of "storing an element record for every element of said plurality of elements in an element table of said relational database, wherein each element record includes a unique element ID, and an element data set" as XML enables storing entire XML documents into a database.

The evidence cited as teaching exactly the quoted element is not based upon any citation to Chau, and instead a conclusory statement "an XML enables storing entire XML documents into a database," is used as the evidence. XML stands for "extensible markup language" (Chau, Abstract, lines 5 and 6.) Thus, the rejection should be read "as extensible markup language enables storing entire XML documents into a database."

This is clear error, because a computer program language, the extensible markup language, alone does not enable storing as evidenced by the detailed description Chau, for example, that requires an extensive system. Further, a broad overview statement such as this reduces this detailed description of Chau to a gist and reduces explicit claims limitations such as "an element table" to a gist, e.g., a database in the rejection. Both are an improper form of analysis for any rejection.

With respect to the element table, the rejection also stated:

... whereas Application table 300 correspond [Sic] to element table .

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The rejection asserts that "application table 300" teaches exactly to the element table recited in Claim 1. However, Claim 1 defines that the element table includes "element records." Applicants note that while the Examiner is permitted to interpret claim limitations broadly, the MPEP puts specific bounds on such an interpretation. Specifically,

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification."

MPEP § 2111 8th Ed. Rev. 2, p 2100-46 (May 2004).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

MPEP § 2111 8th Ed. Rev. 2, p 2100-47 (May 2004).

**>Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art.

MPEP § 2111.01, II., 8th Ed. Rev. 2, p 2100-48 (May 2004).

A "record" is a well defined term with respect to databases and moreover, Chau provides a definition that is consistent with the common usage of "record," e.g.,

Additionally, an index is an ordered set of references to the records or rows in a database file or table.

Chau, Col. 2, lines 13 and 14.

Thus, Chau taught that records in a table are rows in the table. Accordingly, when Claim 1 recites

storing an element record for every element of said plurality of elements in an element table

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the element table has a plurality of records. In contrast, the rejection failed to cite any teaching of such a plurality or records in the application table cited. Rather, Chau explicitly taught that columns are created in the application table, i.e.,

. . . an XML column is used to store entire XML documents . . .

Chau, Col. 7, line 66.

The XML System provides several user defined types (UDTs) for XML columns. These data types are used to identify the storage types of XML documents in the application table.

Chau, Col. 8, lines 14 to 17.

Finally,

D.3 XML Column/User Defined Types

An XML column is designed to store XML documents in their native format in the database as column data. . . .
. An XML column is created when a user creates or alters an application table. (Emphasis Added)

Chau, Col. 19, lines 4 to 21.

D.8 Inserting XML Documents

For XML columns, an entire XML document is always stored as the column data. (Emphasis Added)

Chau, Col. 22, lines 13 to 15.

Thus, Chau expressly taught that an XML document is stored in its native format, and that XML columns are used in the

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application table cited in the rejection of Claim 1. Storing an XML document its native format in a column teaches away from the element table and the specific structure of that table as recited in Claim 1. This is further evidence that rejection reduced both Chau and Applicants' claim language to a gist.

This superficial form of analysis is further demonstrated by the fact that Chau explicitly taught how table 300, which was cited in the rejection as teaching exactly the element table recited in Claim 1, was created. Specifically,

D.4 Creating an XML Table

An XML table is a table that includes one or more columns created with the XML System UDT. To create such a table, an XML column is included in the column clause of the CREATE TABLE statement.

Consider a line item order book keeping application. The XML formatted line item order is to be stored in a column called "order" of an application table called "sales tab". The sales tab table also includes other columns of invoice number and sales person. (Emphasis Added)

Chau, Col. 19, lines 23 to 31.

Chau expressly taught that three columns are created and that the XML documents are stored in their native format in these columns. The definitions in Chau of the native formats establish that the columns are not element records as recited in Claim 1. Thus, Chau fails to show "The identical invention . . . in as complete detail as is contained in the . . . claim." Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2 to 11 depend from Claim 1 and so distinguish over the prior art for at least the same reasons as Claim 1 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 11.

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Claim 12 recites storing particular information in a particular way in four different tables. The rejection of Claim 12 does not cite any teaching in Chau in the same detail as recited in Claim 12, but instead mixes and matches different parts of the reference. The rejection will not be repeated, but it is further evidence that at best the claims have been reduced to a gist. For example, the rejection cited storage techniques as teaching exactly the third element of Claim 12. Applicants respectfully point out that storage techniques suggest or teach nothing about storing information in an element name table according to Claim 12. Further, Claim 12 includes language similar to that discussed above with respect to Claim 1 and so the remarks with respect to Claim 1 are applicable to Claim 12, and are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 12.

Claims 13 to 15 depend from Claim 12 and so distinguish over the prior art for at least the same reasons as Claim 12 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 13 to 15.

Each of independent Claims 16, 26, and 30 stand rejected based upon substantially the same rationale as Claim 1. Each of these claims includes language similar to that discussed above with respect to Claim 1 and so the remarks with respect to Claim 1 are applicable for each of these claims and are incorporated herein by reference with respect to each. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 12, 16, 26, and 30.

Claims 17 to 25 depend from Claim 16 and so distinguish over the prior art for at least the same reasons as Claim 16 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 17 to 25.

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Claims 27 to 29 depend from Claim 26 and so distinguish over the prior art for at least the same reasons as Claim 26 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 27 to 29.

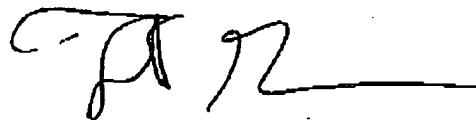
Claims 31 to 33 depend from Claim 30 and so distinguish over the prior art for at least the same reasons as Claim 30 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 31 to 33.

Claims 1 to 33 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571) 273-8300, on July 22, 2005.

Respectfully submitted,



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July 22, 2005
Date of Signature